

MARKEY SLAMS GINGRICH CONGRESS FOR KILLING BAN ON HMO "GAG RULES"

Patient Right to Know Act left out of Omnibus Spending Bill

Washington, D.C.—Representative Edward J. Markey (D-Mass) today slammed House and Senate Republicans for failing to attach legislation protecting doctor-patient communications he has sponsored to the massive spending measure approved by Congress before it recessed for the year. The bi-partisan bill, which Markey introduced with Rep. Greg Ganske (R-Iowa), would have barred health plans from using "gag rules" to keep doctors from providing necessary medical information to their patients.

The Ganske-Markey Patient Right to Know Act (HR 2976) was introduced in response to numerous media reports that some HMOs have attempted to interfere with communications between doctors and patients about their treatment options and other important health-related information. "Gag clauses rob patients of the power of information when they need that power most, by enforcing a code of silence on their doctors," Rep. Markey said. "I am deeply disappointed that this extreme Gingrich Congress has once again chosen to side with a powerful special interest -- the health insurance lobby -- instead of ordinary Americans."

The Patient Right to Know Act, which currently has over 160 co-sponsors in the House of Representatives, imposes stiff civil penalties on health plans that prohibit or restrict health-related communications between doctors and their patients. The bill would apply to all health plans, including those providing managed care services under the federal Medicare and Medicaid programs and "ERISA plans" sponsored by multi-state employers. Coverage of ERISA plans is particularly important, because ERISA plans are not subject to state insurance laws. "Silence isn't always golden. In fact, when you're a patient, communication and information are your greatest allies," Rep. Markey said. "Unfortunately, the Republican Congress has shown that its greatest allies reside in corporate America's boardrooms, not America's hospital rooms. The real victims of today's decision will be those patients who fail to receive complete medical information in the future because managed care companies are allowed to gag their doctors in the interest of enhancing their bottom-lines." Senators Ron Wyden (D-OR) and Edward M. Kennedy (D-MA) had championed the Patient Right to Know Act in the Senate. Unfortunately, their efforts, with Rep. Markey's, President Clinton's endorsement, and the broad support the bill enjoyed among both Democrats and Republicans in the House and Senate and a wide range of consumer groups and health care provider organizations, were not enough to overcome the opposition of key Senate Republicans and the House Republican leadership.

"Today is a dark day for America's patients, but the use of gag-rules to keep critical medical information from sick people is an issue that will not go away, and neither will I." Rep. Markey said. "Sunshine is the best disinfectant, and I intend to continue shedding as much light as I can on this unconscienceable practice until my bill banning gag-rules is enacted into law."

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